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19
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21 UNITED STATES OF AMERICA

22 UNITED STATES DISTRICT COURT

23 FOR THE CENTRAL DISTRICT OF CALIFORNIA

24 UNITED STATES OF AMERICA,

No. CR 23-492 (A)-PA

25 Plaintiff,

GOVERNMENT'S SENTENCING POSITION

26 v.

27 RYAN WRIGHT,
28 aka "Ryan Petetit,"

Defendant.

29
30 Plaintiff United States of America, by and through its counsel
31 of record, the United States Attorney for the Central District of
32 California and Assistant United States Attorneys Thomas F. Rybarczyk,
33 Billy Joe McLain, and Daniel J. O'Brien, hereby files its Sentencing
34 Position for Defendant Ryan Wright.

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This position is based upon the attached memorandum of points and authorities, the files and records in this case, and such further evidence and argument as the Court may permit.

Dated: October 29, 2024

Respectfully submitted,

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/s/
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant RYAN WRIGHT ("defendant") wanted to ensure success of his real estate company's projects in the City and County of San Luis Obispo. That meant making sure his projects got the necessary governmental approvals. Leaving nothing to chance, defendant bought and paid for the power wielded by San Luis Obispo County Supervisor ADAM HILL¹ ("HILL"), a man who once told defendant "[n]obody wants to fuck with their county supervisor when its me." HILL was elected to a seat representing a majority of the City of San Luis Obispo ("City"), and therefore he was in a unique position to have power and influence over both the City's agents as well as those working for and representing the County of San Luis Obispo ("County"). This power was what defendant wanted to buy to ensure his company's projects' successes, and it is what he paid for with over \$95,000 in bribes over two-plus years. In exchange, HILL delivered. Not only did he twice vote for defendant's company's projects, HILL also advocated, "push[ed]", and "work[ed] behind the scenes" to ensure the success and advancement of one of defendant's City projects, the San Luis Square project. And, by defendant's own words, HILL succeeded, earning defendant's effusive praise for his work influencing City officials and a "friendly bonus" of \$15,000 because, as defendant said, HILL was a "huge fucking help" and a "difference maker."

24 For his bribery, defendant pled guilty pursuant to a written
25 plea agreement to Count 1 of the First Superseding Indictment
26 charging him with Conspiracy to Commit Honest Services Wire Fraud, in

¹ HILL is referred to in the charging documents and plea agreement as County Supervisor 1.

1 violation of 18 U.S.C. § 371. On October 23, 2024, the United States
2 Probation and Pretrial Services Office ("USPO") filed a Presentence
3 Investigation Report ("PSR") in which it determined that defendant's
4 total offense level under the United States Sentencing Guidelines
5 ("U.S.S.G.") is 25, his criminal history category is II, his
6 Guidelines sentencing range is 60 months' imprisonment, and his
7 Guidelines fine range is between \$20,000 and \$200,000.

8 Aside from its application of the two-level upward adjustment
9 for obstruction of justice under U.S.S.G. § 3C1.1,² the government
10 concurs in the USPO's findings, including its conclusion that
11 defendant is a Criminal History Category II, and believes that the
12 appropriate total offense level in this case is 23, which results in
13 a Guidelines sentencing range of 51-63 months' imprisonment. Given
14 the sophisticated nature of defendant's bribery, his efforts to
15 conceal it, and his later fraudulent conduct committed while he knew
16 he was under federal investigation, a significant sentence is
17 necessary to specifically deter this defendant. Just as important, a
18 significant sentence is needed to generally deter political bribery.
19 After all, it erodes the very fabric of American society because
20 elected representatives are supposed to make decisions based solely
21 on what's in the best interest of their constituents, not based on
22 the best interest of their own pocketbooks. For these reasons and
23 others discussed below, a sentence of 60 months' imprisonment
24 followed by a three-year term of supervised release and a \$100
25 special assessment is sufficient, but not greater than necessary, to

2 In the plea agreement, the government and defendant agreed
27 that the appropriate total offense level in this case is 23. The
28 government requests that the Court honor the parties' agreement and
give defendant the benefit of his bargain.

1 comply with the factors set forth in 18 U.S.C. § 3553(a). Consistent
2 with the plea agreement, the government recommends no fine. Any
3 monetary penalty should be paid through restitution.³

4 **II. STATEMENT OF FACTS**

5 **A. Defendant's Bribery Conduct**

6 Defendant and HILL began their bribery conspiracy in the summer
7 of 2014, just as defendant's company, PB COMPANIES, LLC, had several
8 projects requiring governmental approvals from the City and County.
9 From the outset, defendant understood the need to conceal their
10 bribery scheme. To do so, defendant, his business partner, JOHN
11 BELSHER, and HILL agreed to form San Luis Consulting LLC to, as
12 BELSHER suggested, "protect all three" of them. Defendant noted that
13 BELSHER believed "put[ting] a gag order on all three of us [is a]
14 good idea[]," as defendant warned "[l]oose lips sink ships." For his
15 part, HILL agreed with the concealment and keeping their conspiracy
16 "private," particularly since it meant he could hide the bribes he
17 received from defendant and PB COMPANIES on his publicly-filed
18 Statement of Economic Interest, commonly referred to as a Form 700.

19 Shortly after agreeing to the bribery conspiracy, HILL began to
20 perform his end of the bargain. In July 2014, HILL publicly
21 addressed the City's Architectural Review Commission ("ARC")⁴ with
22 respect to a PB COMPANIES's project that would later become part of
23 the larger San Luis Square project. In speaking about that project,

24
25 ³ The government intends to meet with counsel for defendant to
26 attempt to reach agreement on restitution. If agreement cannot be
reached, then the government intends to request a deferred
restitution hearing. See 18 U.S.C. § 3664(d)(2)(5).

27 ⁴ The ARC was responsible for establishing architectural
28 guidelines and rules on the design of new construction and major
commercial developments, and its members were appointed by the City.

1 HILL addressed the concerns of a neighborhood group objecting to the
2 height and design of defendant's project and said that "we don't want
3 to stifle projects by chopping off floors" While HILL
4 indicated he worked in the County building (a not so veiled reference
5 to his position as a County supervisor), he did not disclose his
6 financial arrangement with defendant and PB COMPANIES. Later that
7 day, HILL forwarded an email to defendant from one of the ARC
8 commissioners who commented favorably on the project and added that
9 it was "[n]ice to see you in the room tonight. . . that [Marsh]
10 project has great promise." HILL added in his email to defendant:
11 "Just so you see the value of my help....(Don't pass on)."

12 Defendant saw the value of HILL's help and within a matter of
13 days paid HILL \$2,500 -- the first of many as part of their bribery
14 agreement. In the end, defendant arranged for \$94,234 in bribes to be
15 paid to HILL or his shell company, San Luis Consulting. Beyond that,
16 defendant also paid for other benefits for HILL, including \$1,867 for
17 HILL's semi-private jet ride, his hotel, and a front-row ticket to
18 watch his favorite baseball team play in the National League
19 Championship Series in San Francisco. On the following page are
20 photographs from that trip seized from defendant's hard drive:

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Shortly after returning from his San Francisco trip and receiving \$4,950 from defendant and PB COMPANIES, HILL cast his vote on December 16, 2014 in support of the Toad Creek Homes, LLC project's final map, the first of two votes he would take in favor of PB COMPANIES's projects during the bribery conspiracy. Within the next two weeks, defendant arranged for HILL to receive nearly \$13,000 in payments.

Over the next several months, defendant continued to pay HILL thousands of dollars as he recognized the importance of HILL to successfully obtaining their approval of City projects, including San Luis Square. For example, he told a San Luis Square investor that they were arranging for \$25,000 to HILL's re-election campaign because if "we loose [sic] him it's bad for us Down town," an

1 apparent reference to the City's downtown where the San Luis Square
2 project was located.

3 Defendant did not lose HILL. Instead, the self-dubbed
4 "consigliere" to defendant, HILL helped make sure that the San Luis
5 Square project progressed through City approval process without any
6 unnecessary roadblocks, including any recommendation that PB
7 COMPANIES reduce the project's height. At defendant's request, HILL
8 "worked behind the scenes" with City officials and "push[ed]" the
9 then Community Development Director to support the San Luis Square
10 project ahead of a key, joint ARC and Cultural Heritage Commission
11 ("Cultural Heritage Commission") meeting in July 2015 for the
12 project's conceptual review. HILL even met privately with an ARC
13 commissioner who defendant later recognized took "the lead" during
14 the meeting on voicing strong support for the project. But that was
15 not enough for defendant. He wanted HILL to publicly address the
16 meeting, something HILL initially declined to do. Defendant did not
17 take no for an answer and instead told HILL: "I'm just being honest
18 [BELSHER] and my partners have been counting big time on your voice
19 in the hearing."

20 After defendant's prodding, HILL relented and then vigorously
21 delivered for defendant and his partners at the meeting. He told the
22 joint meeting that he "represent[ed] 62% of the City in the County",
23 that the San Luis Square project was the solution to the City's
24 housing shortage, and he hoped the commission would "work with the
25 project applicants to find ways to make this work economically."
26 Defendant was thrilled with HILL's performance, even asking if HILL
27 "drug[ged] these ppl."

For his part, HILL told BELSHER he "spoke with everyone I needed to and it worked," "[ARC commissioner 1] told me my comments made the difference with ARC," and "[s]o did [a CHC member] with CHC." HILL later told defendant that he heard a City official who saw HILL speak at the meeting remark that the "the big dog showed up and got the biggest downtown project approved." Defendant rewarded HILL in August 2015 by paying him \$25,000.

In November 2015, defendant was arrested on felony domestic violence charges, which is when his and HILL's conversations cooled. Then, in August 2016, defendant reached back out to HILL and let him know that his project in Templeton (an unincorporated part of the County) had just been approved. Over the next couple weeks, defendant told HILL he would get him a \$10,000 donation to his campaign from his "buddies wife" and that he was working on "funneling money" for it. As HILL waited for that money, he took another vote in favor of a PB COMPANIES project, this time he voted in favor of the final map for Las Tablas Villas LLC in Templeton. Just over a month later, on November 23, 2016, defendant wired \$10,000 to HILL's San Luis Consulting account from the PB COMPANIES account. After doing so, he told HILL: "You earned it."

HILL did not report the \$10,000 payment from defendant and PB COMPANIES on his Form 700 for 2016, which he filed on March 29, 2017.⁵ Believing the bribery conspiracy was still alive and well, BELSHER reached out to HILL in late May 2017 after the San Luis Square project received negative feedback from the CHC and said

⁵ While HILL initially disclosed income from his shell company, San Luis Consulting, on his 2014 Form 700, he omitted it from his 2015 Form 700 like he did on his 2016 Form 700. Further, he never disclosed the true source of his 2014 income, which was PB COMPANIES.

1 " [t]ough night at CHC last night" and asked if HILL had time to talk.
2 According to HILL's text messages seized from his digital device, he
3 told BELSHER he was "out of the help business."

4 **B. Defendant's Fraudulent Conduct**

5 Defendant's criminal conduct did not end with his bribery, nor
6 his domestic violence. Indeed, in 2022, after he knew he was under
7 federal investigation for bribery, defendant engaged in investor
8 fraud and attempted bank fraud schemes. (PSR ¶¶ 74-105.) Defendant
9 used the embezzled funds to pay for numerous personal expenses,
10 including strip clubs, high-end restaurants, night clubs, lease
11 payments, and even the criminal defense attorneys related to the
12 charges in this case. (PSR ¶¶ 91-92.)

13 **III. ARGUMENT**

14 **A. The Guidelines Calculation: Defendant's Total Offense Level**
15 **Is 23, and His Guidelines Range Is 51-63 Months**

16 Pursuant to the terms of the plea agreement, the government and
17 defendant agreed to the following applicable Sentencing Guidelines
18 factors:

Base Offense Level:	12 U.S.S.G. §§ 2X1.1(a), 2C1.1(a) (2)
More Than One Bribe:	+2 U.S.S.G. § 2C1.1(b) (1)
Value of the Bribe:	+8 U.S.S.G. §§ 2C1.1(b) (2), 2B1.1(b) (1) (E)
Elected Official:	+4 U.S.S.G. § 2C1.1(b) (3)
Acceptance of Responsibility:	-3 U.S.S.G. § 3E1.1(b)

26 These agreed upon Guidelines result in a total offense level of 23.
27 The government and defendant both agreed in the plea agreement to not
28 seek any additional specific offense characteristics or adjustments.

1 The USPO determined that defendant is a Criminal History
2 Category II. (PSR ¶ 113.) The government concurs.

3 Accordingly, defendant's Guidelines range is 51 to 63 months'
4 imprisonment.

5 **B. The Government's Recommendation: A Sentence of 60 Months'**
6 **Imprisonment Is Necessary to Punish and Deter**

7 In determining a sufficient sentence, courts must consider the
8 nature, circumstances, and seriousness of the offense. 18 U.S.C. §
9 3553(a). So too must courts weigh the need for a sentence to afford
10 adequate deterrence, just punishment, and promote respect for the
11 law. Id. Given careful consideration of all these factors as well
12 as the other Section 3553 factors, the government respectfully
13 requests a sentence of 60 months' imprisonment. Such a sentence is
14 sufficient, but not greater than necessary, to adequately punish and
15 deter this particular defendant for the pernicious crime of
16 conspiring to commit honest services wire fraud.

17 1. A Significant Prison Sentence Must Be Imposed to
18 Punish Defendant for His Bribery Conduct

19 Defendant's bribery here was not just a one-off payment, a
20 singular mistake, or bad choice. Instead, it was purposeful,
21 planned, and an intentional effort to fix the system, thereby
22 undermining the integrity of the City and County's processes just to
23 line his pockets. But like all corruption-related offenses,
24 defendant's crime not only undermined the integrity of the
25 governmental processes at play, it also undermined the public's trust
26 in their elected officials and the institutions they serve. See
27 United States v. Spano, 411 F. Supp. 2d 923, 940 (N.D. Ill. 2006),
28 affirmed, 477 F.3d 517 (7th Cir. 2006) ("Public corruption

1 demoralizes and unfairly stigmatizes the dedicated work of honest
2 public servants. It undermines the essential confidence in our
3 democracy and must be deterred if our country and district is ever to
4 achieve the point where the rule of law applies to all--not only to
5 the average citizen, but to all elected and appointed officials.").
6 Indeed, in the recent case of corrupt Los Angeles County Councilman
7 Jose Huizar who was sentenced to 13 years' imprisonment, the
8 Honorable John F. Walter, United States District Court Judge,
9 observed the following concerning the crime of bribery and its
10 pernicious effects on the citizenry:

11 There could be no crime more serious than bribery. Other
12 offenses involve one law while corruption strikes at the
13 foundation of all law. Under our form of government, all
14 authority is vested in the people and by them delegated to
15 those who represent them in official capacity. There can be
16 no offense heavier than that of him in whom such a sacred
17 trust has been reposed, who sells it for his own gain and
18 enrichment, and no less heavy as the offense of the bribe
19 giver. He is worse than the thief for the thief robs the
individual while the corrupt official plunders an entire
city or state. He is as wicked as the murderer, for the
murderer may only take one life against the law while the
corrupt official and the man who corrupts the official
alike aim at the assassination of the commonwealth itself.
Government of the people, by the people, for the people
will perish from the face of the earth if bribery is
tolerated.

20 United States v. Huizar, no. 20-CR-326(A)-JFW-1, 01/26/2024 RT 70:5-
21 20, Dkt. 1299 (C.D. Cal. 2024) (quoting President Theodore Franklin
22 Roosevelt). The seriousness of defendant's offense requires a
23 significant sentence.

2. Defendant Needs a Significant Sentence to Deter Both
Him and Others from Engaging in the Same Conduct

Defendant is not like many white-collar defendants who come before this Court. He has previously been convicted of five felonies

1 related to a brutal attack on his then girlfriend, for which he was
2 sentenced to 270 days in jail. (PSR ¶ 111.)

3 His conviction there and his knowledge that he was under federal
4 investigation for bribery in this case did not prevent defendant from
5 committing fraud. As detailed in the PSR and First Superseding
6 Indictment, defendant engaged in a wire fraud and attempted bank
7 fraud schemes after these events. The fact that defendant knew he
8 was under federal investigation and yet still engaged in fraud
9 supports the conclusion that a significant sentence is needed to
10 specifically deter this defendant.

11 Just as important here, as with all corruption cases, is the
12 need for general deterrence. Sentences fashioned to ensure general
13 deterrence are an especially effective tool in corruption cases, as
14 public officials and other white-collar criminals often premeditate
15 their crimes and engage in a cost-benefit analysis. See, e.g., United
16 States v. Martin, 455 F.3d 1227, 1240 (11th Cir. 2006) ("Because
17 economic and fraud-based crimes are more rational, cool, and
18 calculated than sudden crimes of passion or opportunity, these crimes
19 are prime candidate[s] for general deterrence. Defendants in white
20 collar crimes often calculate the financial gain and risk of loss,
21 and white collar crime therefore can be affected and reduced with
22 serious punishment.") (internal quotations and citation omitted).
23 "General deterrence comes from a probability of conviction and
24 significant consequences. If either is eliminated or minimized, the
25 deterrent effect is proportionately minimized." United States v.
26 Morgan, 635 F. App'x 423, 450 (10th Cir. 2015). By their very nature,
27 public corruption and white-collar crime are often hard to detect,

1 making enhanced general deterrence even more necessary. See United
2 States v. Brown, 880 F.3d 399, 405 (7th Cir. 2018) (district court
3 did not err in relying on the notion that white-collar criminals were
4 prime candidates for general deterrence; district court was entitled
5 to conclude that where there was a lower likelihood of getting
6 caught, a serious penalty was necessary to ensure deterrence). A
7 significant sentence is warranted here for general deterrence, too.

8 **IV. CONCLUSION**

9 For the foregoing reasons, the government requests that this
10 Court sentence defendant to 60 months' imprisonment, a three-year
11 term of supervised release, and a \$100 special assessment.
12 Consistent with the plea agreement, the government recommends no
13 fine. Any monetary penalty should be paid through restitution.

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